

THE
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CRAFTSMAN

EXTRAORDINARY,

UPON

ACTS of GRACE.

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The Craftsman &c.

IT having been rumour'd, within these few Days past, that an *Act of Grace* will be speedily brought into Parliament; and being earnestly press'd by several of my Correspondents to discourse upon that Subject, *before it is too late*, I have chosen this Day for the Consideration of it, and design to shew how *ridiculous* such Rumours are, under the *present Circumstances* of our Affairs.

But before I do this, it will be proper to observe that there is a very great Difference between a *General Act of Indemnity or Oblivion*, and an *Act of Grace*. The former takes its Rise in Parliament and is confirm'd, like other Acts, by the *Royal Assent*; Whereas the latter always comes originally from the *Throne*; and is only, in a Manner, *accepted* by the Representatives of the *People*, who have no Power to make any Alteration in it, but are obliged either to pass, or reject it, as it comes to them, upon *once reading*.

For this Reason, some very eminent Lawyers have been of Opinion that although an *Act of Grace* is an absolute Pardon from the *Crown*, it does not perclude the *Parliament* from any future Examination, like an *Act of Indemnity*: I shall take upon my self to decide whether this Distinction is just or not; but it certainly carries some Weight with it and is a Point, hitherto undetermined by *Parliament*, in which it hath been urged.

Acts of Oblivion or Indemnity are never pass'd but upon very extraordinary Occasions, after great Convulsions and Changes in Government, such as happen'd at the *Restoration* and the *Revolution*; which are, i think, the only two Events that have produced *Acts of this Kind*, within the Memory of any Man now living. But *Acts of Grace* have been more common and dispens'd upon less momentous Occasions.

The Accession of his late Majesty to the Throne, occasioned some Commotions in the Kingdom and (as it too frequently happens upon *new Establishments*) involv'd many of his misguided Subject in the Guilt and Penalties of *Rebellion*; which gave his Majesty an Opportunity of exerting his natural Clemency in a general *Act of Grace and free Pardon*; having first made some necessary Examples of *Justice*.—There was indeed another *Act of Grace*, at the latter End of his Reign, which seem designed for the Benefit of *Ministers*, instead of the *People*; and for that Reason it was generally disliked.

But his present Majesty was so far from meeting with any Opposition or Difficulties when he came to the Throne, that he took Possession of it, amidst the Universal Acclamations of his People. There was not so much as a *malvolent Word* or the most distant Murmur of *Disaffection* heard in our Streets; not one clouded Brow was seen, nor the least appearance of Discontent; but Persons of all Ranks and Denominations in all Parts of the Kingdom, seem'd to vie with one another, in the most dutiful and zealous Expressions of Joy and Congratulation.

It is therefore plain that there can be no Design of such an *Act*, at present; but having undertaken to give the Reader an historical Essay upon this Subject, it cannot be improper to make some Observations on those Crimes, which are usually and ought always to

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be excepted out of every *Act of Grace*; such as *Murder, Perjury, Forgery, Sodomy, Rapes, Robbery, &c.* as likewise all Kinds of Misdemeanour, and Corruption of *Treasurer, Minister or Officer of the Crown* in the Management of his Majesty's Revenue or the Administration of *publick Affairs*.

I need not explain the Reasons for excepting Offenders of the *first Sort*; because every Man, of the lowest Understanding, is able to discern that pardoning such mischievous and detestable Crimes would be so far from being interpreted of any *Benefit or Advantage* to the People, that it would be certainly complained of as a dreadful and injurious *Grievance*.

Exceptions, of the *latter Kind*, are founded on Reasons, which are much stronger, though perhaps not so obvious to common Apprehensions, because not so immediately felt; and yet any Man, upon the Reflection, will be obliged to acknowledge that *abusing a publick Trust, of the greatest Importance, and plundering a whole Nation*, are Crimes of a much more formidable Nature and therefore less deserving Pardon than *breaking open Twenty Houses, or even cutting as many Throats*.

It highly concerns the Interest of the People, for whose Service *these Acts* are supposed to be intended, that *Ministers* should be excepted out of them; especially if it should happen to be a Time, when a whole Nation complains of *wicked Management* and pants for Justice against their *Oppressors*. An *Act of Grace*, at such a Time, would be an *Act of the greatest Cruelty*. It would be signing a *Dead Warrant* to the *Innocent* and a general *Goal-Delivery* to the *Guilty*. It would be mocking a People in their *Misery* and pardoning them for *being undone*.

These Acts are indeed always prejudicial to the People, unless when some publick Disturbance or general

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neral Calamity hath made them necessary; because as *Ministers* have the drawing them up, they will perhaps, leave *those Crimes* intirely unexcepted, of which they know they know themselves to be most guilty; or if they should be so modest as not to leave out the usual Exceptions, which are made in these *Acts*; yet they will certainly take Care to word them in such a *dark* and *Ministerial* Manner, as to serve them for a Plea, in Case of Necessity; and here I must again take Notice that the *Parliament* hath no Power to make any *Alterations*.

This is a double Grievance to the People; not only as it absolves *Those*, who have injured them, and encourages them to go on in their Oppressions; but likewise as it is a Temptation to all *future Ministers* to act in the same Manner, having the same Opportunity of *securing Themselves*; for, at this Rate, a *wicked Man* hath nothing to do, when he gets into Power, but to plunder, harras and oppress the People, till he hath sufficiently gorg'd his own Vanity, Ambition and Avarice; and when he finds his Interest declining, to take a little *Shame to himself* any retired for Refuge behind that *Screen of all Screens*, an *Act of Grace*.

Since therefore it appears that this Practice of screening *great Criminals*, under the Colour of a popular *Act*, is contrary to the original *Design* of those *Acts*; that is of dangerous Consequence both to the *Prince* and the *People*, and bears an infamous Reflection on *Ministers themselves*; since, I say, all this is so plain, how ridiculous is it to surmise that our present *Ministers* (whom all Parties must confess to be very *bonest Ministers*) will have Recourse to so pitiful an Expedient? — Those, who make it their Business to propogate such a Suggestion certainly do it out of *rank Malice*, and with a vile Design of aspersing their Characters.

But

But to expose the Folly of this idle Report a little farther — What possible Occasion can *These Gentlemen* be supposed to have for such an *Ad*, at this Time? — If the *publick Revenues* have been frugally, wisely and honestly administer'd; if all *Parliament Appropriations* have been strictly observed; and *faithful Accounts* have been constantly deliver'd, when called for; if no *corrupt Bargains* have been made, or *vile Jobs* carried on, for *private Advantage* and to the great *Detriment of the Publick*; if there have been no scandalous Sales of *Places, Patents and Offices*; if here hath been no profuse Dissipation of the *Publick Treasure* in *Pensions, Bounties, secret Service* and other *unaccountable Expences*, to the Oppression of the People, and the Destruction of that *Liberty*, on which our Constitution depends. — If the Treaty of *Seville* hath procured us a *safe and honourable Peace*, which answers all our *Purposes*; all we could expect from a Treaty, and removes all the *Grievances*, which were before complain'd of; if our *Merchants* have Reason to be satisfied that they shall receive full Reparation for all their *Losses*; if our *Trade and Manufactures* are again put in flourishing Condition; if our Right to *Gibraltar and Port-Mahon* is effectually secured, beyond all Possessions of *Dunkirk* are really demolished; if no Treaties have been made directly contrary to the *Ad of Settlement*; if the Multiplicity of *Guaranties*, in which we are engaged; and all the vast *Expences* we have been at, for several Years past, have been evidently for the Interest of *England only*, and not entirely for that of *foreign States and Dominions*; in short, if we enjoy at present, such a happy Situation of Affairs, as is not to be paralleld by any past Prospect. — If this I say, is the Case, what Occasion can there be for any *Indemnity*? Do all these good

Actions

Actions require a *Pardon*; or do they not rather intitle them to the Thanks of the *People*; and can it be supposed that any *Minister*, who hath so long vaunted Himself of his *Integrity*; and defied his Adversaries to prove one *single Instance* of Male Administration against Him, will at length confirm all that they have said, by desiring an *Act of Grace* for his Security?

This would be the fallen Confession of Guilt; a Declaration from his own Mouth, stranger than any which his Adversaries have yet made, that his *Measures* are not what they have been represented, and would certainly give malicious Persons an handle to suggest, with Reason, that there must be something more at the Bottom, than is come to Light; some *conceal'd Iniquity*; some *dark Practices*, or *latent Article*, which He dares not produce, still armed with such an *Indemnification*.

Besides, his acting such a mean Part, would contribute but little to his Security; far though it should be admitted as a Plea against an *Impeachment*; yet if any flagitious Actions should hereafter be discover'd, and a Parliament should think fit to proceed against Him, they will certainly do it by a *Bill of Pains and Penalties*, as hath been already practiced, in *extraordinary Cases*, with so much Success; and against which an *Act of Grace* would have no Effect; since nothing can be done by one Parliament, which another Parliament cannot repeal.

But this cannot be the Case of the great *Minister*, now in Power, who hath already received the Approbation of the *Legislature*; which makes the Report of an *Act of Grace* still more ridiculous; for can it be imagined that He will endeavour to make a *King* and a *Parliament* act so inconsistent a Part as to pardon Measures, which they have already approv'd? This would be telling them, in plain Terms, that he hath

hath abused their *Confidence* and *Favour*. It would be putting himself upon the *Foot* of the *Italian Bravoes* and *Banditti*, who being pursued for their *Robberies* and *Murder*, thrust themselves into a *Church* for *Sanctuary*: yet it ought to be remembered that even a *Church*, in that superstitious Country, is not always a *Sanctuary*, but often gives up a *notorious Offender* to the *Justice* of the *Laws*.

It hath been usual, in most Acts of Grace, to except great Criminals by Name; and even some have been excepted, who have only been suspected of male Practices; for we have seen two great, and learned Men excepted out of an Act of Grace, who were soon after taken into Favour and Employment; but how much more glorious would it be for a Minister (especially a sole ruling Minister) to except himself, in the exercise of his Power? This would indeed be a noble Defiance to his Adversaries, and effectually silence all their Clamours. This would be some Proof of clean Hands, able Conduct and a Consciousness of his own Integrity. — But if, instead of this, he should fly for Shelter to an Act of Parliament, and meanly submit to beg his Pardon from those, whom he hath insolently set at Defiance, he plays the Part of a common Patron, who swaggers and gives himself Air, when he knows he may do it with Safety; but, upon the first Appearance of Danger, sneaks under a Table, to avoid the Chastisement he deserves.

And a Parliament should not be moved against him, they will certainly pass a Bill of Pardon and Pardon, as hath been already practiced, in extraordinary Cases, with so much Success; and against which an Act of Grace would have no Effect; since nothing can be done by an Act of Parliament, which another Parliament cannot repeat.

But this cannot be the Case of the great Minister, now in Power, who has received the Appointment of the King, and who makes the Resolution of an Act of Grace in his own Hands; for can it be imagined that he will consent to make a Law and a Parliament act in inconsistent a Part as to Pardons, which they have already approved? It is would be calling them in plain Terms, that he hath

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